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March 14, 2012

By ECF

Hon. Carol Bagley Amon
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Lopez, et al., v. City of New York, et al.
11 CV 2607 (CBA) (RER)**

Dear Judge Amon:

We represent plaintiff Hector Lopez in the above action and write with respect to plaintiff's motion seeking legal fees and costs pursuant to Fed. R. Civ. P. 54. We are mindful that Your Honor's Individual Rules specify that motions (a) may not be made without a pre-motion conference, and (b) are not to be filed until fully briefed, and apologize for not conforming to those rules.

However, the plain language of Fed. R. Civ. P. 54(d)(2)(B)(i) requires a motion for fees and costs must "be filed no later than 14 days after the entry of judgment." Here, the judgment was entered on February 29, 2012, and thus today would be the fourteenth and final day to file the motion.

As the deadline was neither extended nor stayed, we had no option other than to file the motion, or risk waiving plaintiff's right to recover. Parenthetically, plaintiff also requests that his motion for a stay be withdrawn as moot.

We make every effort to follow all individual and local rules and regret that the filing of this motion could not comport with Your Honor's rules.

Respectfully submitted,

/s/

Michael Lumer

cc: Barry Myrvold, Sr. Counsel
Katherine A. Macfarlane, ACC